

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

RED BARN MOTORS, INC., PLATINUM )  
MOTORS, INC., and MATTINGLY AUTO )  
SALES, INC., individually and on behalf of )  
other members of the general public similarly )  
situated, )

Plaintiffs, )

v. )

NEXTGEAR CAPITAL, INC. f/k/a DEALER )  
SERVICES CORPORATION, )

Defendant. )

Case No. 1:14-cv-01589-TWP-DLP

**MOTION TO WITHDRAW PREVIOUSLY FILED**  
**JOINT MOTION TO MAINTAIN EXHIBITS B-1 AND B-2 TO**  
**SETTLEMENT AGREEMENT UNDER SEAL AND BRIEF IN SUPPORT**

NextGear Capital, Inc. gives this Court and all counsel of record notice of its withdrawal of the previously-filed Joint Motion to Maintain Exhibits B-1 and B-2 to Settlement Agreement Under Seal and Brief in Support [Doc. 374] and asks that the Motion and Brief be withdrawn.

Respectfully submitted, this 4th day of June, 2021.

s/ Tracey K. Ledbetter

Thomas M. Byrne (*pro hac vice*)  
Tracey K. Ledbetter (*pro hac vice*)  
EVERSHEDS SUTHERLAND (US) LLP  
999 Peachtree Street, NE, Suite 2300  
Atlanta, GA 30309-3996  
(404) 853-8000  
(404) 853-8806 fax  
[tombyrne@eversheds-sutherland.com](mailto:tombyrne@eversheds-sutherland.com)  
[traceyledbetter@eversheds-sutherland.com](mailto:traceyledbetter@eversheds-sutherland.com)

David J. Jurkiewicz (18018-53)  
Paul D. Vink (23785-32)  
BOSE McKINNEY & EVANS LLP  
111 Monument Circle, Suite 2700  
Indianapolis, IN 46204  
(317) 684-5000  
(317) 684-5173 fax  
[djurkiewicz@boselaw.com](mailto:djurkiewicz@boselaw.com)  
[pvink@boselaw.com](mailto:pvink@boselaw.com)

*Attorneys for Defendant NextGear Capital,  
Inc. f/k/a Dealer Services Corporation*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing has been served upon the following counsel of record via the Court's electronic service notification system, this 4th day of June, 2021:

Ryan D. Adams  
James M. Garner  
Jacob A. Airey  
SHER GARNER CAHILL RICHTER  
KLEIN & HILBERT, L.L.C.  
[radams@shergarner.com](mailto:radams@shergarner.com)  
[jgarner@shergarner.com](mailto:jgarner@shergarner.com)  
[jairey@shergarner.com](mailto:jairey@shergarner.com)

Kerry A. Murphy  
KERRY MURPHY LAW LLC  
[kmurphy@kerrymurphyllaw.com](mailto:kmurphy@kerrymurphyllaw.com)

Cassie E. Felder  
THE CASSIE FELDER LAW FIRM  
[cassie@cassiefelderlaw.com](mailto:cassie@cassiefelderlaw.com)

Gladstone N. Jones, III  
Lynn E. Swanson  
JONES SWANSON HUDDALL &  
DASCHBACH LLC  
[gjones@jonesswanson.com](mailto:gjones@jonesswanson.com)  
[lswanson@jonesswanson.com](mailto:lswanson@jonesswanson.com)

Kathleen A. DeLaney  
DELANEY & DELANEY LLC  
[kathleen@delaneylaw.net](mailto:kathleen@delaneylaw.net)

s/ Tracey K. Ledbetter  
Tracey K. Ledbetter